

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

ADMINISTRATIVE PROCEEDING

File No. 3-16926

In the Matter of

ROBERT BURTON,

Respondent.



**DIVISION OF ENFORCEMENT'S OPPOSITION TO RESPONDENT'S
MOTION TO DISMISS FOR PROSECUTORIAL MISCONDUCT**

The Division of Enforcement ("Division") hereby opposes Respondent Robert Burton's November 19, 2015¹ "Motion to Dismiss for Prosecutorial Misconduct" and respectfully requests that the motion be denied.² Respondent attempts to collaterally attack his criminal conviction via this Administrative Proceeding. This is improper. The allegations and arguments Respondent makes regarding prosecutorial misconduct are also irrelevant to this proceeding. Thus, the Division respectfully requests that the

¹ The Division received a copy of this motion on January 7, 2016, and had not previously been served with the motion.

² At the same time the Division received a copy of this motion, it also received a copy of Respondent's November 19, 2015 "Motion for Deposition Upon Oral Examination." The Division incorporates, by reference, its response, filed on December 29, 2015, to Respondent's other discovery-related motions, and respectfully requests that this motion also be denied.

motion be denied.

Dated: January 7, 2016

Respectfully submitted,

DIVISION OF ENFORCEMENT



Rebecca Israel
Enforcement Counsel
Securities and Exchange Commission
33 Arch Street, 23rd Floor
Boston, MA 02025
(617) 573-4582

CERTIFICATE OF SERVICE

I hereby certify that true copies of the Division of Enforcement's Opposition to Respondent's Motion to Dismiss for Prosecutorial Misconduct were served on the following on this 7th day of January, 2016, in the manner indicated below:

By Electronic Mail

The Honorable Carol Fox Foelak
Administrative Law Judge
Securities and Exchange Commission
100 F Street, N.E.
Washington, D.C. 20549

By Certified Mail:

Robert Burton

[REDACTED]
[REDACTED]
[REDACTED]

Ayer, MA [REDACTED]



Rebecca Israel



UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
BOSTON REGIONAL OFFICE
33 ARCH STREET
23RD FLOOR
BOSTON, MA 02110-1424

ENFORCEMENT
DIVISION

Rebecca Israel
Enforcement Counsel
(617) 573-4582
israelr@sec.gov

January 7, 2016

Via Overnight Delivery
Brent J. Fields
Securities and Exchange Commission
Office of the Secretary
100 F Street, N.E.
Washington DC 20549



Re: In the Matter of Robert Burton, Respondent
Administrative Proceeding File No. 3-16926

Dear Secretary Fields:

Enclosed please find an original and three copies of the Division of Enforcement's Opposition to Respondent's Motion to Dismiss.

Sincerely,

Rebecca Israel
Enforcement Counsel
Division of Enforcement

Enclosures

cc: Honorable Carol Fox Foelak (w/ enclosure, via Electronic Mail)
Robert Burton (w/ enclosure, via Certified Mail)